

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCIA STURGEON, as Conservator of
the ESTATE of JEFFREY STURGEON,
Legally Incapacitated,

Plaintiff,

Case No. 2:14-cv-10576
Hon. Matthew F. Leitman

vs.

ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY,

Defendant.

QUALIFIED PROTECTIVE ORDER
AND AUTHORIZATION PURSUANT TO HEALTH INSURANCE
PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

1. **IT IS HEREBY ORDERED** that this Court authorizes the disclosure and sharing of Plaintiff Jeffrey Sturgeon's "personal health information" protected under the Health Insurance Portability and Accountability Act (hereinafter "HIPAA") (42 USC §1320d *et seq.*) and the regulations promulgated thereunder (45 CFR §§160, 164 *et seq.*) pursuant to the terms and conditions contained in this Order.

2. **IT IS HEREBY FURTHER ORDERED** that Plaintiff Jeffrey Sturgeon's health care providers including, but not limited to examining, testing and/or treating doctors and other medical personnel shall provide copies of all records and may discuss the Plaintiff, Jeffrey Sturgeon's medical conditions and past, present and future treatment for neurological, psychiatric, psychological, neuropsychological and orthopedic injuries with counsel for the Defendant.

3. **IT IS FURTHER ORDERED** that this Order does not compel the health care provider to participate in an interview or meeting against his or her wishes, nor to occur outside the presence of the health care provider's attorney if he or she wishes to have one

present. The purpose of the interview or meeting conducted by attorneys for Defendants and/or their agents is to assist Defendants in defense of the above-referenced action brought by Marcia Sturgeon as Conservator for the Estate of Jeffrey Sturgeon. The meeting or interview is not at the request of Plaintiff Jeffrey Sturgeon, however, Plaintiff Jeffrey Sturgeon and his counsel are on notice of the existence of this order.

4. **IT IS FURTHER ORDERED** that all covered entities under HIPAA, including but not limited to the health care providers, examining, testing and/or treating doctors and other medical personnel of Jeffrey Sturgeon are authorized and permitted to disclose and/or share Plaintiff Jeffrey Sturgeon's personal health information to the attorneys or agents of Defendants. The personal health information of Jeffrey Sturgeon may be provided orally in discussions with Defendant's attorneys and/or agents or in written, visual or other recorded form. The consent of or notice to Plaintiff Jeffrey Sturgeon and/or his attorneys is not required prior to the disclosure of this information by any health care provider.

5. **IT IS FURTHER ORDERED** that counsel for the Defendant is prohibited from using or disclosing the protected health information for any purpose other than this action, and upon resolution of this action, counsel for the Defendant who receives written or otherwise recorded protected health care information of the Plaintiff, Jeffrey Sturgeon, shall destroy or return the information (including all copies made) to the health care provider.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 8, 2014

Approved as to form only:

/s/Eric M. Simpson (with consent)
ERIC M. SIMPSON (P57232)
Attorneys for Plaintiff

/s/C. David Miller II
C. DAVID MILLER II (P38449)
Attorneys for Defendant

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